

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PRINCE RODGERS,

Plaintiff,

-v-

9:19-CV-419

DEBRA GUMBUS *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

PRINCE RODGERS

Plaintiff, Pro Se

43756

Westchester County Jail

P.O. Box 10

Valhalla, NY 10595

HON. LETITIA JAMES

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MARK G. MITCHELL, ESQ.

Ass't Attorney General

DAVID N. HURD

United States District Judge

ORDER ADOPTING REPORT & RECOMMENDATION

On April 8, 2019, pro se plaintiff Prince Rodgers (“plaintiff”) filed this action alleging that defendants violated his constitutional rights by suspending his law library privileges while he was incarcerated at Franklin

Correctional Facility. Dkt. No. 1. Several claims and defendants were dismissed on initial review, Dkt. No. 7, and other claims and parties were dismissed pre-answer for lack of subject matter jurisdiction and failure to state a claim for relief, Dkt. No. 31.

Thereafter, the parties conducted discovery into plaintiff's (1) First Amendment access-to-courts claims against defendants Gumbus, LaClair, Foster, and King; and (2) First Amendment retaliation claims against Gumbus and LaClair. Defendants moved for summary judgment on these claims on November 20, 2020. Dkt. No. 40.

On May 10, 2021, U.S. Magistrate Judge Andrew T. Baxter advised by Report & Recommendation that defendants' motion for summary judgment be granted and that plaintiff's complaint be dismissed. Dkt. No. 49. Plaintiff has not filed an objection, and the time period in which to do so has expired. *See id.*

Upon review for clear error, the Report & Recommendation is accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

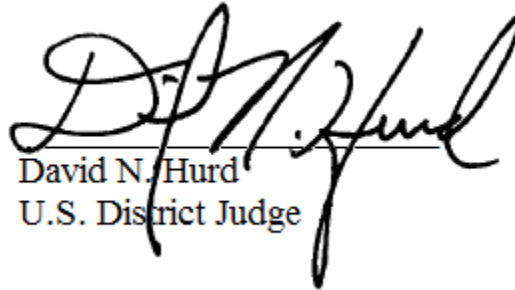
1. The Report & Recommendation (Dkt. No. 49) is accepted and adopted;
 2. Defendants' motion for summary judgment (Dkt. No. 40) is GRANTED;
- and

3. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: May 27, 2021
Utica, New York.



David N. Hurd
U.S. District Judge